

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA

Plaintiff,  
vs.

JAMES MICHAEL WELLS,

Defendants.

3:13-cr-00008-RRB-JDR

**SECOND  
PRE-TRIAL SCHEDULING  
ORDER**

Trial in this case is currently set for February 18, 2014. The case has been declared complex and/or extended by the trial judge.

The United States Attorney for the District of Alaska is expected to submit her recommendation and any supporting memorandum concerning whether the death penalty is sought to the Capital Review Committee in a timely manner. The government will file a notice under 18 U.S.C. § 3593(a) if it decides to pursue the death penalty. If the government decides not seek the death penalty, it will file a notification on the record with a copy to the defendant that it will not seek the death penalty.

Pursuant to the status conference held April 29, 2013, the following schedule allows reasonable time for counsel for the parties to discharge their respective duties with respect to the question of whether the death penalty should

be sought, giving due regard to the factual complexity of the case. The Court recognizes that scheduling extensions may be necessary to accommodate full development of facts related to the defendant's guilt and aggravating factors as the case proceeds. Accordingly, the following schedule for pre-trial motion practice shall be adopted:

Action	Date
Rule 16(a)(1)(A), (B), and (D) discovery	Completed on 2/22/13
Rule 16(a)(1)(E) inspection of physical items	3/5/13
Rule 16(a)(1)(E) production of documents	3/15/13
Defense discovery motions	7/26/13
Motions to suppress statements	8/30/13
Motions to suppress physical evidence	9/27/13
Expert notices	10/25/13
Rebuttal expert notices	11/29/13
<i>Daubert</i> Motions	12/3/13
Motions <i>in Limine</i> <ul style="list-style-type: none"> <li>F.R.E. 404(b) notices will be provided 4 weeks prior to the motions in limine deadline.</li> </ul>	12/16/13
Jencks and <i>Giglio</i> material	1/10/14
Inspection of trial documents and objects	1/17/14

**Oppositions to motions shall be due 14 days after the motion is filed.**

Any **replies** to a motion listed above **shall be due 7 days after the filing of any response/opposition**. Evidentiary hearings or arguments shall be scheduled promptly as needed.

In order to keep the Court and the parties fully advised on matters affecting the progress of the case toward its ultimate disposition, regular **status conferences to be held approximately every 45 days**. The next status conference before Judge Roberts

is set for **June 12, 2013 at 2:00 P.M.** Further status conferences will be scheduled at the next scheduled hearing or upon motion of the parties. Counsel may arrange for telephonic appearance(s) by calling Meet-Me-Bridge "A" at 907-677-6246. Unless otherwise ordered, Mr. Wells may participate by telephone in the status hearings.

DATED this 30<sup>th</sup> day of April, 2013, at Anchorage, Alaska.

*/s/ John D. Roberts*  
JOHN D. ROBERTS  
United States Magistrate Judge